

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, AUGUST 24, 2005

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Vice Chair, Jorge Garcia presiding, the August 24, 2005 Fisher Island MAC meeting was called to order at 6:17 PM.

2. Role Call

Present were the following:

Carolyn Sakolsky

Robert Vole

Javier Acosta

Jorge Garcia

Ira Ostrow (via teleconference)

Absent: Michael Pearce

3. Approval of Minutes

Mr. Garcia moves for the approval of the 5/18/05 minutes.

Ms. Sakolsky seconds the motion. Vote is taken and the minutes are approved.

Mr. Acosta distributes the minutes of the 6/22/05 meeting to the MAC members for review. They will be approved at the following meeting.

4. Conceptual Agreement Discussion

Ms. Sakolsky informs that she has prepared a conceptual agreement which she has just provided to Jason Rodriguez. The draft was also provided to the members of the MAC that were present. Ms. Sakolsky suggest that members review the draft and that it is discussed at the next MAC meeting.

Mr. Garcia agrees with Ms. Sakolsky.

Ms. Sakolsky requests that Jason Rodriguez provides her with the address of the police station that would be servicing Fisher Island and the water and sewer department location as well.

Mr. Ostrow asks Ms. Sakolsky if she had received all the information she needed for the completion of the draft of the conceptual agreement.

Ms. Sakolsky responds that she completed the draft following the samples provided, but that she feels that the wording of the description of Fisher Island needs work and perhaps can be worked on with the Fisher Island lawyers.

Mr. Ostrow agrees and he asks Mr. Rodriguez to forward him a copy of the materials presented today. Mr. Rodriguez agrees.

Jorge Garcia stops the MAC meeting for a moment.

Jason Rodriguez informs that the MAC meeting will be interrupted for a moment. He states that there are some of his colleagues from the Office of Strategic Business Management who are attending a community counsel meeting and he will direct them accordingly.

Meeting resumes with Mr. Garcia stating that he believes the legal description currently available for the conceptual agreement is appropriate.

Jason Rodriguez informs that he will contact Public Works and ask if the description mentioned by Ms. Sakolsky is in fact their legal description or if there is something more specific.

5. Ordinance Regarding the MAC

Jason Rodriguez discusses the ordinance regarding the recreation of the Fisher Island MAC that was going for public hearing on August 16th before the Infrastructure and Land Use Committee. He informs that the ordinance was approved at the Committee level and has now been referred to the September 8th full Board of County Commissioners meeting for final adopting of the ordinance.

Mr. Ostrow asks Mr. Rodriguez if while the MAC ordinance is waiting to go before the County Commissioners it is okay for the MAC to meet and vote.

Mr. Rodriguez explains that this is okay. This process is done automatically at the end of each year; and that September 8th is when the Board of County Commissioners will have the opportunity to adopt the ordinance. He explains that

this is usually an automatic process because a MAC can only exist by resolution for a period of one year, so this would be to extend the opportunity of the MAC to continue the study that is already underway for another year.

Mr. Ostrow asks Mr. Rodriguez "as far as you're concerned it has *quasi* officially been extended?" and Mr. Rodriguez agrees.

6. Update on Miami-Dade County Resolution 130-05 Regarding Third Party MAC Budget Analysis

Mr. Rodriguez explains that the time for Request for Proposal from vendors to the county has expired. The county is currently in the process of selecting the third party vendor that will analyze budgets presented by MACs to the county.

Mr. Garcia asks Mr. Rodriguez if it is safe to assume if by the Fall it will be known what the standard will be for review by that new vendor.

Mr. Rodriguez explains that this may not be so, because the vendor has to procure three different categories: 1) Review County numbers, 2) Review the numbers worked out by the MAC, 3) Issues relating to mitigation. The vendor will be looking at three MACs which have completed their study and have been pending for this group to be procured so their budgets can be reviewed. The vendor will have 60 or 90 days to take on the task and then get back to the county with their findings.

Ms. Sakolsky asks who pays for this review.

Mr. Rodriguez explains that the county pays for it, but if an area incorporates then the cost of the study is billed on the reconciliation bill of the new municipality.

Mr. Acosta asks who the two vendors so far are, but Mr. Rodriguez does not have that information.

Mr. Garcia wants to know if he can have a copy of what the county requirements are for those vendors to qualify.

Mr. Rodriguez asks if what Garcia wants is a copy of the RFP. Mr. Garcia says "yes".

Sara Ingalls interjects that the county is currently under the "cone of silence" and information cannot be freely passed at this time.

Jason Rodriguez clarifies that the "cone of silence" is the name of an ordinance

adopted by the Board of County Commissioners that prevents staff from the County Manager to all the departments involved with a Request for Proposal from a vendor from discussing any item relating to the request that is being proposed while the RFPs are being reviewed.

Ms. Sakolsky wants to know if Mr. Rodriguez can provide them with the copy of the RFP. Rodriguez responds that the RFP is a matter of public record and it is published in the newspaper, but as county staff he will find out from county attorney if it is okay for him to provide this information.

Mr. Ostrow makes a comment that the MAC should just ask Mr. Rodriguez to provide information on this matter as the information becomes available.

Mr. Rodriguez explains that when the county puts out an RFP it has no control on the amount of vendors that respond.

Ms. Sakolsky wants to know if an answer could be if the MAC found three vendors and presented them to the county and paid for it would that be a solution.

Mr. Rodriguez responds that this is a county matter that has to adhere to certain rules and regulations, and that the MAC has to wait for the county to complete the process.

Javier Acosta announces that Ms. Colonese, who is present at the meeting, wants to share a piece of information provided to her at a meeting.

Ms. Colonese explains that this was information provided by Jason Rodriguez in their package at a meeting with a time-line for the RFP.

Jason Rodriguez explains that this is a copy of a letter he provided the MAC from Manager George Burgess to Commissioner Jordan giving her an update as to the status of the procurement of the Budget Analyst. Commissioner Jordan is the commissioner that sponsored the legislation that led to this Budget Analyst ordinance. That letter is the Manager's assessment at the time. Mr. Rodriguez informs that he will continue to bring information to the MAC inasmuch as that information becomes available.

Mr. Rodriguez reminds the MAC members that the Budget Analyst will first analyze the budgets of those MACs who have completed their task of seeking the incorporation process.

Mr. Garcia wants to know at what point does the MAC Budget Analyst get the paperwork.

Mr. Rodriguez explains that to his understanding the Analyst reviews the budget of those MACs that end their study for incorporation. At the end of the study and upon deciding whether they want incorporation or not, then the budget is reviewed by this Analyst.

Mr. Garcia wants to know if the budget is not accepted at that point, then there is no MAC to handle the issues. What happens then?

Mr. Rodriguez explains that in the past MACs have been reconvened officially so that they can be under the Sunshine Law in order to address issues pertaining to their incorporation proposal. An example of this is the Cutler Ridge MAC.

7. Next Meeting of the Fisher Island MAC

After discussing availability among members the next meeting of the MAC is scheduled for **Wednesday, September 14, 2005, 6PM.**

Mr. Ostrow asks if MAC could advise the Community Counsel not to schedule their meeting on the same date.

8. Additional Information Presented by Jason Rodriguez

Mr. Rodriguez informs the MAC that the Board of County Commissioners heard an ordinance yesterday, which there will be a public hearing for on September 13th, that reads: *Ordinance relating to incorporations and annexations suspending consideration of certain proposed incorporations and annexations until receipt of the county manager's report on the effect of incorporations and annexations in Miami-Dade County. Providing severability exclusion from effective date.*

Mr. Rodriguez passed around copies of the ordinance. It was sponsored by Commissioner Natasha Seijas. He informs that this ordinance was placed on the agenda on yesterday's meeting for first reading. There is no discussion when an ordinance is heard for first reading. This is just the first time it comes forward. Rodriguez informs that inasmuch as the ordinance affects the work being done by the MAC he wanted to let the MAC know that there is a public hearing on September 13th in the Infrastructure and Land Use Committee, which is also chaired by Commissioner Seijas, and he encourages the MAC members' participation at the hearing. Meeting will be held at the Board of County Commissioners Chamber, 111 NW 1 Street, Second Floor; 9:30 am. This will be a public hearing.

Mr. Vole asks if there is any information on when the report is due.

Mr. Rodriguez explains that there is no information available yet on when the report is due because the item has not been adopted yet by the Board of County Commissioners. The recommended time is 180 days, but this can be amended by the Board of County Commissioners.

Ms. Sakolsky wants to know how many pending incorporations there are.

Mr. Rodriguez explains that there are currently five active MACs.

Mr. Vole wants to know if it is okay to meet or talk with members of other MACs.

Mr. Rodriguez feels MAC members should participate at public hearing on the 13th of September to share with the commissioners on that committee their thoughts and comments regarding the ordinance.

Jason Rodriguez directs everyone to miamidade.gov for more information.

Mr. Garcia wants to know if there is anything on file that explains Commissioner Seijas' reasoning behind this ordinance.

Mr. Rodriguez directs Mr. Garcia to Commissioner Seijas' office.

Mr. Ostrow comments that to his knowledge once a MAC is created it is grandfathered and not held to new legislation.

Ms. Sakolsky feels the way to go is lobby Commissioner Bruno Barrero, as well as commissioners of other areas wishing to incorporate for their support.

Mr. Acosta reads the verbiage on the ordinance and opposes the language "certain proposed incorporations". He voices his opinion that this language sounds discriminatory.

Mr. Rodriguez adds from Section 1 of the Ordinance relating to incorporations and annexations which reads: *Notwithstanding any other provision in the code of Miami-Dade County to the contrary, proposed incorporations other than the incorporations authorized by County ordinance #05121 and proposed annexations other than any annexations initiated by the Board of County Commissioners cannot be processed by the Clerk of the Board of County Commissioners until such time as the report of the county manager as required by the resolution is presented to the Board.*

Mr. Rodriguez explains that the "certain" proposed incorporations and annexations are all those others excluded from these mentioned. Mr. Rodriguez encourages everyone to participate in the public hearing and express their concerns.

Ms. Sakolsky feels that before the public hearing all MACs should lobby their commissioners for support to make sure the MACs in progress are okay and if legislation changes it will mean that no further applications will be taken.

Mr. Ostrow agrees and reiterates that MACs formed after the moratorium was lifted are grandfathered in and new legislation applies to future applications. He feels this ordinance proposed should be questioned.

Mr. Ostrow proposes having a meeting prior to public hearing.

Mr. Garcia explains that there is no time and he feels the first step is to immediately meet with Commissioner Barrero and if possible with the other MACs to ask if they will contact their representatives for support.

Mr. Rodriguez informs that contacting other MACs would be in violation of the Sunshine Law.

With no further discussion it moved to adjourn.

8. **Adjournment:** Motion was made for adjournment and seconded and the meeting was adjourned.